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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAR 22 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN RE APPLICATION OF:

MM DOCKET NO. 94-11

TELEPHONE AND DATA SYSTEMS, INC./  
WISCONSIN RSA No. 8, INC./  
UNITED STATES CELLULAR OPERATING COMPANY

Wisconsin 8 (Vernon) Rural Service Area

DATE OF CONFERENCE: March 15, 1994

VOLUME: 1

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The above-entitled matter come on for prehearing  
conference pursuant to Notice before Judge Joseph Gonzalez,  
Administrative Law Judge, at 2000 L Street, N.W., Washington,  
D.C., in Courtroom 4, on Tuesday, March 15, 1994 at 9:20 a.m.

APPEARANCES:

On behalf of Telephone and Data Systems, Inc. and United  
States Cellular:

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On behalf of Louisiana CGSA, Inc.:

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1 APPEARANCES (Continued):

2 On behalf of the Wisconsin 8 settlement group:

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6 On behalf of Portland Cellular Partnership:

7 MICHAEL B. BARR, ESQUIRE  
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10 On behalf of GT Mobile Net, Inc.:

11 DONALD J. EVANS, ESQUIRE  
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14 On behalf of the Common Carrier Bureau:

15 JOSEPH P. WEBER, ESQUIRE  
16 1919 M Street  
Washington, D.C. 20554

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## I N D E X

	Page No.
Opening Statements By Judge Gonzalez	4
Statement by Mr. Naftalin	5
Statement by Mr. Tollin	8
Statement by Mr. Hardman	13
Conference Began: 9:20 a.m.	Conference Ended: 9:45 a.m.

## P R O C E E D I N G S

JUDGE GONZALEZ: Today is March 15, 1994. The time is 9:20 in the morning. This is a prehearing conference regarding the matter of the application of Telephone and Data Systems, Inc. for a construction permit of facilities in the Domestic Public Cellular Telecommunications Radio Service on Frequency Block B in Market 715, Wisconsin 8 (Vernon) Rural Service Area. Would the parties please enter their appearance beginning on my left?

MR. NAFTALIN: Alan Naftalin of Koteen & Naftalin, Your Honor, for, for Telephone and Data Systems and United States Cellular. Also noting an appearance today for those parties are R. Clark Wadlow and Mark D. Schneider of Sidley & Austin and Herbert D. Miller of Koteen & Naftalin.

MR. EVANS: I'm Donald Evans for GT Mobile Net, Inc., not presently a party but, as I indicated off the record, planning to file a Petition to Intervene.

MR. TOLLIN: Andrew Tollin on behalf of Louisiana Cellular -- I'm sorry, Louisiana CGSA, Inc. and with me is Pierre LaForce and Luisa Lancetti, and we are all in Wilkinson, Barker, Knauer & Quinn.

MR. BARR: Michael Barr, counsel for Portland Cellular Partnership, petitioner for intervention, not yet a party.

MR. HARDMAN: Kenneth E. Hardman, Moir & Hardman,

1 for the settlement group in Wisconsin 8 and that includes  
2 Century Cellnet 8, Contel Cellular, Inc., Coon Valley Farmers  
3 Telephone Company, Inc., Farmers Telephone Company, Hillsboro  
4 Telephone Company, LaValle Telephone Cooperative, Monroe  
5 County Telephone Company, Mount Horeb Telephone Company,  
6 North-West Cellular, Inc., Richland-Grant Telephone  
7 Cooperative, Vernon Telephone Cooperative and Viroqua  
8 Telephone Company.

9 MR. WEBER: And Joseph Weber for the Common Carrier  
10 Bureau.

11 JUDGE GONZALEZ: Thank you. Is there anything that  
12 anyone would like to bring up that we discussed off the record  
13 that you feel should be repeated on the record?

14 MR. NAFTALIN: Your Honor, I --

15 JUDGE GONZALEZ: We're still on the record. All  
16 right.

17 MR. NAFTALIN: Off the record I raised with you the  
18 fact that we had filed a petition with you for a stay -- for a  
19 postponement of the procedural dates pending Commission action  
20 on our stay motion which was filed last Friday, and I just  
21 want to record that we asked you to do that, to postpone it,  
22 and you indicated that you wouldn't, that you were going to go  
23 forward.

24 JUDGE GONZALEZ: I indicated off the record that I  
25 felt that since there is a pending pleading before the

1 Commission, that the Commission -- in the event that the  
2 Commission decides to stay, of course, that would affect our  
3 proceeding, as well, so then I'll deny the, the request.

4           Anything that anyone else would like to bring up  
5 before I read into the record the procedural dates? Again, I  
6 would mention that there was a request that we set an earlier  
7 hearing date. However, it was my feeling, as well as the  
8 feeling of a number of parties here, that, that we would have  
9 to set the date further on -- further into the, into the year  
10 in light of the fact that there will probably be fairly  
11 extensive discovery.

12           I also mentioned that my reading of the, of the  
13 Commission order seemed to direct the parties, as well as the  
14 trier of fact, to conduct a fairly wide ranging review of, of  
15 -- Louisiana proceeding and that probably would require a  
16 considerable amount of time. So as a result we, we have set a  
17 hearing date of October 18, 1994. I'm sure, as most of the  
18 parties are familiar, the hearings begin at 10:00 a.m. in the  
19 office of the Commission in Washington, D.C.

20           I also thought it was wise to set an initial  
21 hearing, as well, and that will be held on October 11, 1994  
22 and that will also start at 10:00 a.m. in the morning. On  
23 September 27, 1994 the parties will submit a list of witnesses  
24 requested for cross-examination with me, as well as obviously  
25 with the parties concerned and setting forth those witnesses

1 desired for cross-examination.

2 I've also advised the parties that they stay clearly  
3 in that request, the reasons why they feel that particular  
4 person should be submitted for cross-examination. I've  
5 required that in view of the fact that the Commission has  
6 indicated to us that we should permit cross-examination only  
7 in those instances where we feel that it is essential for  
8 proper resolution of the matter and if there's any legal  
9 precedent that the parties feel is appropriate, then they  
10 should also include a reference to that, as well.

11 We've also set the date of September 13, 1994 as the  
12 date for the parties to exchange their written direct case.  
13 I've indicated that in the event that a party intends to rely  
14 to an extent or to a considerable extent on oral testimony  
15 rather than written testimony, that they will be required to  
16 submit a summary of what they hope to establish pursuant to  
17 that oral testimony so that none of the parties are taken  
18 unawares.

19 Also, the counsel for -- how should we refer to you  
20 since --

21 MR. NAFTALIN: United States Cellular.

22 JUDGE GONZALEZ: Do you prefer the designation of  
23 TDS or USCC?

24 MR. NAFTALIN: United States Cellular, I think.

25 JUDGE GONZALEZ: USCC, all right. Counsel for USCC



1 had requested that we set a date for a filing of a Bill of  
2 Particulars and I felt that there was good reason to grant  
3 that request and there appeared to be no opposition, so the  
4 date for the filing of the Bill of Particulars will be August  
5 15, 1994, and the completion of discovery will, will occur on  
6 August 1, 1994.

7 MR. TOLLIN: Your Honor?

8 JUDGE GONZALEZ: Yes.

9 MR. TOLLIN: I have a question. This is Andrew  
10 Tollin for --

11 JUDGE GONZALEZ: Yes, sir.

12 MR. TOLLIN: The -- actually, given the fact the  
13 burden of proof is on United States Cellular, September 13th  
14 would be fine for their preparation and filing of the written  
15 direct case, but actually we would file rebuttal cases to that  
16 direct case since we have no burden of proof in this case, and  
17 so shouldn't there be two dates, one for the direct case for  
18 U.S. Cellular and then one for the rebuttal case?

19 JUDGE GONZALEZ: Does anyone want to be heard with  
20 respect to -- Mr. Naftalin, do you have --

21 MR. NAFTALIN: As long as we have a chance to, to  
22 respond in some way, I have no objection.

23 MR. TOLLIN: I think that counsel could make a  
24 motion asking for leave for surrebuttal if something  
25 unexpected was developed in the rebuttal case, but I can't see

1 surrebuttal as a matter of course. But we are in a position  
2 to respond to their direct case which supposedly will meet  
3 these issues.

4 JUDGE GONZALEZ: Well, I would assume that you would  
5 have some intention to present witnesses, would you not, sir,  
6 to establish your contention, which I doubt all -- there has  
7 been -- ostensibly a minority party.

8 MR. TOLLIN: Well, there may be non-party witnesses  
9 that we may certainly call as witnesses in the case, but we  
10 are going to be more likely in the role of cross-examining the  
11 witnesses that they believe establish their points, more than  
12 producing a multitude of witnesses ourselves.

13 MR. NAFTALIN: Clearly, they -- to the extent you  
14 allow it, they can cross-examine. By the time of the, by the  
15 time of the submission of direct cases it would seem to me  
16 that everybody will know what the, the record is. We will  
17 have had the prior record plus discovery. It seems to me that  
18 it would make sense if they have a, if they have a case of  
19 their own, not just dealing with ours, they should present it  
20 at the same time, Your Honor.

21 MR. TOLLIN: Your Honor, we do not have the burden  
22 of proof.

23 JUDGE GONZALEZ: Well, I'm aware of that, sir, but  
24 at the same time you do anticipate presenting some witnesses?  
25 Am I not correct? Or if you don't -- I mean, you do or you

1 don't?

2 MR. TOLLIN: I can't tell you at this point.

3 JUDGE GONZALEZ: Well, it seems to me if you're not  
4 intending to present any witnesses, you really -- there's no  
5 point to exchange any direct exhibits. Is that correct?

6 MR. TOLLIN: I agree with you --

7 JUDGE GONZALEZ: So I think a statement to that  
8 effect would be sufficient, we don't intend to present any  
9 witnesses, ergo we have no direct testimony.

10 MR. TOLLIN: But, Your Honor, we will be putting in  
11 a multitude of documents dealing with the La Star case into  
12 the record.

13 JUDGE GONZALEZ: And who's going to be sponsoring  
14 these exhibits?

15 MR. TOLLIN: Well, I mean, we would want at this  
16 point, I mean, maybe to clarify that if we introduce record  
17 documents from the La Star case that have already been  
18 introduced into the record and admitted in the La Star case,  
19 that as long as they are relevant to the Designation Order  
20 here, those documents will not need to be authenticated.

21 JUDGE GONZALEZ: Right. But I think it would be  
22 fair to, to Mr. Naftalin's client that if he was advised as to  
23 what documents you intend to offer, unless they're in way of  
24 rebuttal or -- not rebuttal, but in an attempt to attack  
25 credibility, in which case then obviously you wouldn't. But

1 if there are any that you intend to go forward with initially,  
2 I think they ought to be identified.

3 MR. TOLLIN: So there will -- well, I mean,  
4 obviously we have, we have a body of evidence established or  
5 that has been introduced in the earlier case that we think,  
6 you know, we will rely on right now. We obviously will cross-  
7 examine any number of witnesses also that are produced to  
8 establish Mr. Naftalin's points. I'm having trouble  
9 distinguishing between what is our direct case  
10 responsibilities and what is our rebuttal case  
11 responsibilities, if any.

12 JUDGE GONZALEZ: Well, ideally I would prefer if  
13 there's any material which you feel should be admitted into  
14 the record that it ought to be admitted initially. If  
15 necessary -- I mean, there is a procedure for a rebuttal  
16 session. I mean, I certainly don't favor that, but if it's  
17 absolutely essential, I mean, I'll certainly never deny the  
18 party the opportunity to request a rebuttal session. But I  
19 would certainly prefer that the parties go forward at the  
20 initial hearing with whatever evidence they feel -- or present  
21 whatever evidence they feel is appropriate. Obviously there's  
22 going to be some, some leeway granted here, I would think,  
23 since all this material has been admitted before. Is that not  
24 correct?

25 MR. TOLLIN: Correct.

1 JUDGE GONZALEZ: And I gather a lot of the material  
2 is going to be excerpts from prior testimony?

3 MR. TOLLIN: Correct.

4 JUDGE GONZALEZ: Am I correct?

5 MR. TOLLIN: Correct.

6 JUDGE GONZALEZ: So I don't -- I really don't see  
7 any problem with getting that into the record if that's your  
8 concern. Is that your concern?

9 MR. TOLLIN: Well, I think we will have that and  
10 there may very well be testimony rebutting certain statements  
11 made by -- let's say that there are new affidavits prepared by  
12 the very same witnesses in the La Star case.

13 JUDGE GONZALEZ: All right.

14 MR. TOLLIN: I mean, brand new affidavits explaining  
15 these points all over again.

16 JUDGE GONZALEZ: Right.

17 MR. TOLLIN: We may have something to say responsive  
18 to that --

19 JUDGE GONZALEZ: Right.

20 MR. TOLLIN: -- with other witness testimony that  
21 develops during discovery. I mean, for instance, I think it's  
22 pretty well known that we will probably be talking to the  
23 Creekmore's (phonetic sp.) because they were involved in, in  
24 an incident that's specifically mentioned in the, in the  
25 Hearing Designation Order. Whether or not they become our

1 witnesses or they become TDS's witnesses is unclear at this  
2 point, but there may be -- that testimony may be directly  
3 responsive to certain new assertions that might be made in  
4 affidavits in the direct case.

5 JUDGE GONZALEZ: Well, won't you have enough time  
6 once you've looked at their, their written direct case and the  
7 date for the filing of the notice of those persons desired for  
8 cross-examination? If I, if I give you the right to -- or if  
9 -- to advance names at that time which would respond to  
10 whatever was mentioned in his direct -- written direct case,  
11 what would be the problem? Wouldn't that, in effect, achieve  
12 the same goal --

13 MR. EVANS: Your Honor, may I make --

14 JUDGE GONZALEZ: -- or am I wrong?

15 MR. NAFTALIN: I object, Your Honor, to Mr. Evans  
16 speaking. He's not been admitted as yet.

17 JUDGE GONZALEZ: I'm afraid you'll have to hold off.

18 MR. HARDMAN: Your Honor, if I may get involved in  
19 this discussion, from our standpoint, not being -- you know,  
20 having been previously immersed in the record in the La Star  
21 case, we do have a general understanding of how you try  
22 questions of credibility and candor and so forth, and it may  
23 well be that there are witnesses in the nature of impeachment  
24 or that sort of thing which we, we really won't know until we  
25 see exactly what USCC puts on as a direct case that will be

1 relevant for that purpose. I think this is part of what Mr.  
2 Tollin was getting at with the, with the concern of having the  
3 opportunity to, you know, put in rebuttal evidence that goes  
4 to the credibility of the, of the USCC witnesses and that sort  
5 of thing. And if that -- with that understanding, I share the  
6 concern that the, the procedure involved be clarified and,  
7 just picking up on, on your suggestion a moment ago, did I  
8 understand you to suggest that at the time of, of the  
9 notifications of witnesses for cross-examination that rebuttal  
10 witnesses be identified? Is that --

11 JUDGE GONZALEZ: Well, that was my suggestion. I  
12 think that certainly might alleviate some of your concern. It  
13 doesn't necessarily rule out the possibility of a rebuttal  
14 session after the conclusion of --

15 MR. HARDMAN: All right.

16 JUDGE GONZALEZ: -- the scheduled session.

17 MR. HARDMAN: With the understanding that, that  
18 possible witnesses would be identified at that point as  
19 opposed to having to make a decision to actually call them?

20 JUDGE GONZALEZ: Right. And, again, a statement as  
21 to what one would hope these witnesses would testify to or  
22 what they would be presented in response to. There was --  
23 indication to counsel for USCC as to why there's a desire to  
24 present this witness or there's the possibility that this  
25 witness might be presented.

1 MR. TOLLIN: I would certainly agree to that,  
2 although we -- there may be more than just witnesses that are  
3 responsive to the U.S. Cellular direct case. There could be  
4 documents also that we might need to introduce.

5 JUDGE GONZALEZ: Right. But wouldn't they be  
6 introduced in -- as part of the cross-examination of a witness  
7 presented by USCC? I mean, wouldn't that be the normal? I  
8 mean, there may be instances when they -- when you might want  
9 to, to have another document introduced in a manner other than  
10 that, but I would think the vast majority of the documents  
11 would be presented in that manner, would they not?

12 MR. TOLLIN: Possibly.

13 JUDGE GONZALEZ: I'm not familiar with the case, but  
14 that would be my off-the-cuff impression.

15 MR. TOLLIN: Well, it's been my experience where a  
16 party has -- that they usually follow the direct case --

17 JUDGE GONZALEZ: Right.

18 MR. TOLLIN: -- because they have the burden of  
19 proof.

20 JUDGE GONZALEZ: Right.

21 MR. TOLLIN: We don't have any burdens here and so  
22 I'm not sure why we're filing a direct case at all.

23 MR. NAFTALIN: They're not required to.

24 JUDGE GONZALEZ: Well, you're not required to, sir.  
25 I think I mentioned that --



1 MR. TOLLIN: Right.

2 JUDGE GONZALEZ: -- that if you feel there's nothing  
3 to file, then don't file it.

4 MR. TOLLIN: Well, I think there will be a lot to  
5 file on rebuttal, but I can't -- this is a new procedure for  
6 me because we're a party --

7 JUDGE GONZALEZ: Do you anticipate --

8 MR. TOLLIN: I certainly anticipate a voluminous  
9 rebuttal case, I mean to their case as to why they think they  
10 have good, good character, but I don't understand if they were  
11 to file no documents in this case why I would have any  
12 obligation to file any documents and instead, I mean, as a  
13 technical matter, I would move for summary judgment.

14 MR. NAFTALIN: Yeah. That's right. If we couldn't  
15 put on a case --

16 JUDGE GONZALEZ: I don't think that's very likely,  
17 but --

18 MR. TOLLIN: No, I don't think it's very likely  
19 either, but I'm trying to dramatize the point that we have no  
20 direct case responsibilities here because we don't have the  
21 burden of proof.

22 JUDGE GONZALEZ: Right. I'm aware of that, but, but  
23 I just assume that there will be some exhibits coming from  
24 your corner, sir.

25 MR. TOLLIN: Surely, but I'd like them to be in the

1 nature of rebuttal exhibits --

2 JUDGE GONZALEZ: Well --

3 MR. TOLLIN: -- rebuttal to their case. We've  
4 already established the prima facie case in the Hearing  
5 Designation Order.

6 JUDGE GONZALEZ: Well, I guess they will be, won't  
7 they? I mean, I assume.

8 MR. TOLLIN: If Your Honor wants to set up this  
9 procedure this way where we look towards possible rebuttal,  
10 that's fine. We'll certainly --

11 JUDGE GONZALEZ: I mean, if it can't -- no. I would  
12 prefer that it all be handled at -- in this initial hearing  
13 and character issues, there's more leeway granted than perhaps  
14 making the other issue because of the nature of the issue  
15 itself and --

16 MR. TOLLIN: Sure.

17 JUDGE GONZALEZ: -- it's certainly not the first  
18 character issue that I've tried, so I don't think that there  
19 will be too many surprises. I mean, the record might be a  
20 little larger than I'm used to but, other than that, I imagine  
21 that we'll follow a certain pattern. But if I feel at the end  
22 and the party requesting the rebuttal session makes a good  
23 argument in favor of one, I mean, I have had rebuttal sessions  
24 before on character issues where there have been issues that  
25 had come up in the course of the hearing which I felt had to

1 be addressed further in the nature of a rebuttal session.

2 MR. TOLLIN: Well, try to put all of our proofs into  
3 the direct case.

4 JUDGE GONZALEZ: What I would prefer is that USCC  
5 not be taken by surprise. I mean, I'm sure it's in the  
6 interest of everyone that we have a complete record at this,  
7 at this point so that we can move forward. I mean, I don't  
8 think anyone wants to prolong this any further than it's been  
9 prolonged. Is that the consensus here, that we want to try to  
10 get this matter resolved one way or the other at this --

11 MR. TOLLIN: Well, Your Honor, we actually --

12 JUDGE GONZALEZ: Go ahead.

13 MR. TOLLIN: -- asked the Commission to rule on the  
14 record as it exists.

15 JUDGE GONZALEZ: All right. I remember reading  
16 that, yes, sir.

17 MR. TOLLIN: We, we agree with you.

18 JUDGE GONZALEZ: Yes. Okay. Anything further that  
19 anyone feels needs to be discussed? All right. Well, if --

20 MR. NAFTALIN: Sir? I'm sorry, but we still have  
21 --

22 JUDGE GONZALEZ: That's all right.

23 MR. NAFTALIN: I have something after the schedule  
24 that I've neglected to mention.

25 JUDGE GONZALEZ: All right. Please go ahead.

1 MR. NAFTALIN: But we're still -- we're going  
2 forward still on the schedule, aren't we?

3 JUDGE GONZALEZ: Right.

4 MR. NAFTALIN: Okay. Do you want to -- please, I  
5 don't want to interrupt you.

6 JUDGE GONZALEZ: No. Raise it.

7 MR. NAFTALIN: I did want to mention that, as a  
8 matter of fact, the licensee of Wisconsin 8 is not Telephone  
9 and Data Systems and we have -- we are going to file a  
10 corrective motion with you on the that. The Commission --

11 JUDGE GONZALEZ: Well, the Commission indicated  
12 that, didn't they --

13 MR. NAFTALIN: No.

14 JUDGE GONZALEZ: -- that TDS was the licensee?

15 MR. NAFTALIN: Yes, I understand, but there's a --  
16 there was just an oversight. The Commission had previously  
17 authorized the transfer to a subsidiary of -- ultimate  
18 transfer as a subsidiary of United States Cellular, and we  
19 need to -- it's just that the -- I think we want to get the  
20 facts straight in the --

21 JUDGE GONZALEZ: So who is the licensee now?

22 MR. NAFTALIN: The licensee now is, is Wisconsin RSA  
23 No. 8, Inc. which is a, which is a wholly owned subsidiary of  
24 United States Cellular, Inc. I'm sorry. It's the second  
25 tier. There's an intermediate subsidiary, as well.

1 MR. HARDMAN: Just to clarify --

2 JUDGE GONZALEZ: And what is the name of that  
3 intermediate subsidiary?

4 MR. NAFTALIN: It's United States Cellular Operating  
5 Company.

6 MR. HARDMAN: If we could have a clarification on  
7 the chronology here, the original applicant in the proceeding,  
8 which is why the Hearing Designation Order states it as  
9 Telephone and Data Systems, Inc., after the initial grant  
10 there was an assignment of the license to Wisconsin RSA 8,  
11 Inc., a subsidiary of TDS. There was then a proforma transfer  
12 of control of Wisconsin RSA, Inc. to, to United States  
13 Cellular through its intermediary corporation. So the  
14 corporate family has changed, but the essential applicant is  
15 still controlled by Telephone and Data Systems, Inc. and  
16 United States Cellular.

17 MR. NAFTALIN: That's right.

18 JUDGE GONZALEZ: Has there been an amendment filed  
19 in the case?

20 MR. NAFTALIN: Beg your pardon?

21 JUDGE GONZALEZ: Did you file an amendment giving  
22 the Commission that information at some point?

23 MR. NAFTALIN: Oh, the Commission consented to it.  
24 These are all transfers, proforma transfers, of control or  
25 assignments. It's just that the, the order that came out here

1 hadn't picked that up for some reason and we just want to make  
2 that -- it seems to us that the record ought to, ought to be  
3 accurate in that regard and we're filing something about it.

4 JUDGE GONZALEZ: Yeah, I think so, too. I think it  
5 would certainly be helpful. Anything further?

6 MR. HARDMAN: Your Honor --

7 MR. NAFTALIN: Do you have a Bill of Particulars  
8 date, Your Honor?

9 JUDGE GONZALEZ: Yes, we do.

10 MR. NAFTALIN: Okay.

11 MR. HARDMAN: Your Honor, just by way of  
12 clarification, on the authentication of the record from the La  
13 Star proceeding there was some discussion about -- and I don't  
14 recall whether it was on the record or off the record, but in  
15 order to avoid, you know, having the whole thing introduced in  
16 this case, would it be possible to stipulate that relevant  
17 portions of it would be, you know, done as a, as a new exhibit  
18 and that it -- would it be possible to just stipulate those  
19 copies in evidence without having to go through the blue  
20 ribbon or red ribbon procedure of, of authentication by the  
21 Secretary?

22 JUDGE GONZALEZ: Does anybody have an objection to  
23 that approach?

24 MR. TOLLIN: I think it's sensible and I agree.

25 MR. NAFTALIN: Your Honor, I just want to be clear

1 that the -- I've got a little housekeeping here, that we have  
2 on the record that the discovery is closed August 1st.

3 JUDGE GONZALEZ: I believe I read it into the record  
4 --

5 MR. NAFTALIN: Okay.

6 JUDGE GONZALEZ: -- but that is the date, yes.

7 MR. NAFTALIN: And you have denied our Motion for  
8 Continuance --

9 JUDGE GONZALEZ: Right.

10 MR. NAFTALIN: -- so that there's no need for --  
11 that completes the pleading cycle or --

12 JUDGE GONZALEZ: Right, right. And you'll wait for  
13 the Commission to act on your --

14 MR. NAFTALIN: Yeah. And you -- and you've -- we've  
15 all agreed, I think, on a Bill of Particulars date, so we  
16 don't need to file a motion on that.

17 JUDGE GONZALEZ: Right. Absolutely.

18 MR. NAFTALIN: All right. Thank you.

19 JUDGE GONZALEZ: Okay. Anything further? All  
20 right. If there's nothing further, then we'll conclude as of  
21 9:45. Thank you very much.

22 (Whereupon, the conference was adjourned at 9:45  
23 a.m.)

24

25

**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

IN RE APPLICATION ON WISONSIN 8 (VERNON)

**Name**

MM DOCKET NO. 94-11

**Docket No.**

WASHINGTON, D.C.

**Place**

MARCH 15, 1994

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 22, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

March 16, 1994

**Date**

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